

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY W. TAM,
Plaintiff,

No. C 07-02747SI

NOTICE

v.

JOHN E. POTTER,
Defendant.

To All Parties:

YOU ARE HEREBY NOTIFIED THAT Judge Illston would like to refer this case to the Assisted Settlement Conference Program. Plaintiff is instructed to complete the attached documents and mail back to the court by October 12, 2007.

Dated: September 28, 2007


Tracy Sutton, Clerk

Tracy Sutton
Deputy Clerk

ALTERNATIVE DISPUTE RESOLUTION PROGRAM
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The Assisted Settlement Conference Program

Application Instructions

Your application to participate in the Court's Assisted Settlement Conference Program is complete when you have submitted the following materials to the ADR Program Office at the following address: ADR Program, U.S. District Court for the Northern District of California, 450 Golden Gate Avenue, Room 16-6892, San Francisco, CA 94102. The ADR Program Office will review these materials, file them with the Clerk's Office and forward them to the assigned judge for review. Please be sure to serve a copy of your completed materials on counsel for defendant(s).

1. Application for Assisted Settlement Conference
2. Declaration in Support of Application for Assisted Settlement Conference
3. Attachments to Assisted Settlement Conference Application:

Attachment A: Right to Sue Letter (From E.E.O.C. / D.F.E.H.)

Attachment B: EEOC Investigative File/Agency Record

ALTERNATIVE DISPUTE RESOLUTION PROGRAM
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The Assisted Settlement Conference Program

The Court offers settlement conferences as one of its alternative dispute resolution options. In a settlement conference, the parties meet with a magistrate judge who helps the parties attempt to negotiate a settlement of the case.

It is sometimes difficult for parties who are not represented by counsel (pro se litigants) to participate effectively in a settlement conference because they have no one to advise them and to assist them through the process. Pro se litigants also may have problems preparing for a settlement conference without legal counsel. As a result, the Court has established an Assisted Settlement Conference Program. In this program, volunteer attorneys assist pro se litigants, but the assistance is limited to preparation for and attendance at the settlement conference.

At this time, the Assisted Settlement Conference Program is only open to plaintiffs filing employment discrimination cases. If you are interested in the program, you should fill out the application materials provided to you by the ADR Program Office. This application asks you to describe the case in a bit more detail. You should submit the application form and the related materials to the ADR Program Office. The ADR Program Office will file these materials with the Clerk's Office and forward them to the assigned judge for review. Please be advised that participation in the program is in no way guaranteed and is at the discretion of the assigned judge.

The assigned judge will determine whether this is a case that would benefit from a settlement conference and would also benefit from the assignment of counsel to assist you with the process. If your case is accepted into the program, the judge will issue an order assigning your case to the program. Shortly thereafter, the judge will issue a separate order appointing a particular volunteer attorney to assist you. Once this occurs, the volunteer attorney will contact you to help prepare you for the settlement conference and also will go with you to the settlement conference.

UNITED STATES DISTRICT COURT
Northern District of California

Plaintiff in Propria Persona,

No. C

v.

**APPLICATION FOR
ASSISTED SETTLEMENT
CONFERENCE**

Defendant(s).

I am the plaintiff in the above-entitled employment discrimination action. I request that the court refer this case into the Assisted Settlement Conference Program. In support of this request, I provide the following information:

A. SUMMARY INFORMATION ABOUT BASIS OF THE CASE

(1) I filed an employment discrimination case in the Court against the above-named defendant on: _____.

(2) I filed this case because the defendant harmed me by (circle any applicable):

- a. failing to employ me.
- b. firing me.
- c. eliminating my position.

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- 1 d. failing to promote me.
- 2 e. demoting me.
- 3 f. disciplining me without reason.
- 4 g. harassing me (or allowing others to harass me) so that working conditions became
- 5 intolerable.
- 6 h. paying me differently than others doing similar work.
- 7 i. providing different terms, conditions or privileges of employment than others
- 8 received doing similar work.
- 9 j. other actions (specify): _____.
- 10 k. taking action/retaliating against me because I complained about any of the above
- 11 harms.

12

13 (3) For each item that you circled in question #2, above, give one example of when and

14 how the defendant took an action that harmed you:

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16 Item When How did defendant do it? (If more space is needed, add additional sheet.)

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25 (4) The defendant took action that harmed me, as I identified in question #2 above; the

26 defendant did so because of (circle any applicable):

- 27 1. my race or color.
- 28 2. my religion.

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3. my sex.
4. my national origin.
5. my disability.
6. my age.
7. other (specify): _____.

(5). Give an example of how a harm that you suffered, as you indicated in question #2, is related to any discriminatory reason that you marked in question #4. Do this for each item you mark in questions #2 and #4:

Harm (Q2)	Discriminatory Reason (Q4)	How do you know that Q4 is the reason defendant did Q2? (If more space is needed, add additional sheet.)
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B. REASONS FOR SEEKING AN ASSISTED SETTLEMENT CONFERENCE

(6) Have you read the materials on ADR and on Assisted Settlement Conference provided by the Clerk, when you filed the case, or by the court? Yes ____ No ____

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(7) I am seeking an assisted settlement conference because I hope the process will (circle any applicable):

- a. improve communication between me and the defendant.
- b. help me explain to the defendant the harm the defendant has caused me.
- c. help the defendant explain to me the reason for the actions the defendant took which harmed me.
- d. help me understand the strengths of my case and the defendant's case.
- e. help me understand the weaknesses of my case and the defendant's case.
- f. help me and the defendant understand if there is anything we agree upon in this dispute.
- g. help me and the defendant explore any creative solutions to this dispute which the court might not be able to impose if we go to trial.
- h. help me preserve or improve what remains of my personal or business relationship with the defendant.
- i. provide confidentiality in coming to a resolution of this dispute.
- j. tone down the hostility between me and the defendant.
- k. help me and the defendant get to the core of the case and sort out the issues in dispute.
- l. help us settle all or part of the dispute.
- m. other reason (specify): _____.

C. WHY I NEED AN ATTORNEY TO ASSIST ME IN THIS SETTLEMENT CONFERENCE

(8) Have you been unable to find an attorney willing to represent you in this case on terms you can afford? Yes ____ No ____

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(9) I have made a reasonable effort to obtain an attorney to represent me and contacted the following attorneys for this purpose (include additional sheets if necessary):

Attorney Name	Address	Phone Number

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Date

Signature

Name (Printed)

UNITED STATES DISTRICT COURT
Northern District of California

Plaintiff in Propria Persona,

No. C

v.

**DECLARATION IN SUPPORT OF
APPLICATION FOR ASSISTED
SETTLEMENT CONFERENCE**

Defendant(s).

I, _____, am the plaintiff in this case and apply for placement of this case into the court's Assisted Settlement Conference program. In support of this application, I declare as follows:

1. REPRESENTATION. I am not represented by an attorney and no attorney has made an appearance for me in this case.

2. INFORMATION. I have read and considered materials provided about the court's Assisted Settlement Conference Program. I understand the Program involves the court's reference of this case to a settlement conference to be conducted by a magistrate judge.

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1 3. ASSISTED SETTLEMENT CONFERENCE. I understand that if this case is referred to
2 an Assisted Settlement Conference, I will be offered the assistance of special counsel to help me
3 prepare for, participate in, and pursue follow-up to, a settlement conference before a magistrate
4 judge. I also understand that the role of special counsel is only to educate and assist my preparation
5 for, participation in and follow-up to the settlement conference.
6

7 4. LIMITED ASSISTANCE. I understand that special counsel may only help my
8 participation in a settlement conference by educating and assisting me. Accordingly, I:
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- 10 a. Understand that special counsel will provide no other service of any kind in
11 this case, without prior written authorization by the court to do so.
12 b. Agree that the scope of special counsel's duties to me will extend no further
13 than is necessary to educate me and assist me to prepare for, participate in, and
14 follow up on the court-annexed settlement conference.
15 c. Acknowledge that special counsel's responsibility to help educate me about
16 the process will not involve any control of the case or the settlement
17 conference.
18 d. Acknowledge and agree that special counsel will not analyze my overall legal
19 needs, conduct independent investigation of my case, or represent me in such
20 matter.
21 e. Understand that special counsel will not advise me about the need to contact
22 other counsel for purposes of obtaining legal advice.
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24 5. PRO SE STATUS. I acknowledge that I continue to provide my own representation in this
25 case and in the settlement conference, and that special counsel will only assist and educate me in this
26 endeavor.
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6. NO CONTRACT. I understand and agree that I have no contractual relationship with special counsel for legal or other services, and that I will enter no contract with special counsel during the time this case is in the Assisted Settlement Conference Program, absent a written order by the court permitting such a contract.

7. EXPERIMENTAL PROGRAM. I understand that Assisted Settlement Conference is an experimental program. I have assessed the prospect of participating in a settlement conference and acknowledge that there is no foreseeable harm that I will suffer in the failure of the settlement conference to resolve the case, improve case management, enhance party satisfaction or understanding of the case, or to achieve any other goals of the settlement conference.

8. EVALUATION. I agree to participate in the evaluation of the Assisted Settlement Conference Program, and to allow any person authorized by the Court to evaluate the Program to attend the settlement conference, all court proceedings concerning the Assisted Settlement Conference Program, and any preparatory or follow-up meetings for the settlement conference. I further consent to special counsel's responding to any inquiries about the case from any such person authorized by the Court to evaluate the Program.

9. I confirm that I have carefully considered the limited assistance provided by the Assisted Settlement Conference Program and confirm that my decision to apply to enter the program is made knowing the limited role to be played by special counsel is to provide only education and assistance in the settlement conference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date

Signature

Name (Printed)

UNITED STATES DISTRICT COURT
Northern District of California

No. C ____ - _____

Plaintiff in Propria Persona,

**ORDER ASSIGNING CASE TO
ASSISTED SETTLEMENT
CONFERENCE
PROGRAM**

v.

Defendant. /

Plaintiff in this case has applied to participate in the court's Assisted Settlement Conference Program. Based on the court's review of plaintiff's Application for Assisted Settlement Conference, Declaration Applying for Assisted Settlement Conference and additional application materials, and plaintiff's acknowledgment at the Case Management Conference that he or she has reviewed the description of the Assisted Settlement Conference Program, wishes to participate in the Program, and understands and agrees to the limited representation to be provided by Special Settlement Conference counsel,

IT IS HEREBY ORDERED:

1. That the case be assigned to the Assisted Settlement Conference Program and be mediated in accordance with the Alternative Dispute Resolution Local Rules of this court, except for Rules 6-3(b) and 6-3(c);

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2. That Special Settlement Conference Counsel be appointed for the limited purpose of representing plaintiff in the preparation for and Settlement Conference of this case; and
3. That the Settlement Conference shall be completed within ninety (90) days of the date of this order.

IT IS SO ORDERED.

By: _____

Dated _____

United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER et al,

Defendant.

Case Number: CV07-02747 SI

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

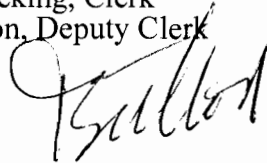
That on September 28, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeffrey W. Tam
408 Yorkshire Road
Alameda, CA 94501

Jennifer S Wang
US Attorney's Office
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102-3495

Dated: September 28, 2007

Richard W. Wieking, Clerk
By: Tracy Sutton, Deputy Clerk



UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER et al,

Defendant.

Case Number: CV07-02747 SI

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 28, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeffrey W. Tam
408 Yorkshire Road
Alameda, CA 94501

Jennifer S Wang
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Dated: September 28, 2007

Richard W. Wieking, Clerk
By: Tracy Sutton, Deputy Clerk